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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ANA OCEGUEDA,

Petitioner,

VS.

STATE OF NEVADA, *et al.*,

## Respondents.

Case No. 2:15-cv-01884-JCM-GWF

## ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a Nevada state prisoner.

Neither a filing fee nor an application to proceed *in forma pauperis* was submitted with the petition. When filing a habeas action, petitioner must either submit the \$5.00 filing fee for habeas petitions or an application to proceed *in forma pauperis*. Due to the lack of an *in forma pauperis* application or filing fee, the present action will be dismissed without prejudice to the filing of a new petition in a new action with a pauper application with all required attachments. It does not appear from the papers presented that a dismissal without prejudice would result in a promptly-filed new petition being untimely. In this regard, petitioner at all times remains responsible for calculating the running of the limitations period as applied to his case and properly commencing a timely-filed habeas corpus action.

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1           **IT THEREFORE IS ORDERED** that this action is **DISMISSED** without prejudice to the  
2 filing of **a new petition in a new action**.

3           **IT IS FURTHER ORDERED** that the clerk of the court shall send petitioner two copies of  
4 an *informa pauperis* application form for a prisoner, one copy of the instructions for the same, two  
5 copies of a blank 28 U.S.C. § 2254 habeas petition form, and one copy of instructions for the same.

6           **IT IS FURTHER ORDERED** that petitioner may file a new petition in a new action, but  
7 may not file further documents in this action.

8           **IT IS FURTHER ORDERED** that all pending motions in this case are **DENIED**.

9           **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**. Reasonable  
10 jurists would not find the dismissal of the improperly-commenced action without prejudice to be  
11 debatable or wrong.

12           **IT IS FURTHER ORDERED** that the clerk of the court shall enter judgment accordingly.

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Dated October 19, 2015.

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UNITED STATES DISTRICT JUDGE